



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/695,226	07/23/95	IKAWA	K 17033808

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EXAMINER

NEE, B

ART UNIT

PAPER NUMBER

1107

DATE MAILED:

12/30/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
08/606,226Applicant(s)
Kyoko Ikawa, et al.Examiner
Brendan MeeGroup Art Unit
1107**THE PERIOD FOR RESPONSE: [check only a) or b)]**a) ☒ expires 5 months from the mailing date of the final rejection.b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Dec 4, 1997 has been considered with the following effect, but is **NOT** deemed to place the application in condition for allowance:

☒ The proposed amendment(s):☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.☒ will not be entered because:☒ they raise new issues that would require further consideration and/or search. (See note below).☐ they raise the issue of new matter. (See note below).☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.☐ they present additional claims without cancelling a corresponding number of finally rejected claims.NOTE: See attached☐ Applicant's response has overcome the following rejection(s):

_____☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

_____☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-5, 7-16, 18-23, and 25☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____☐ Other

Attachment to Advisory Action

1. The proposed amendment after final replaces the phrase “charge/discharge unit” with the phrase “connection unit” in all of the claims. This raises a new issue because a “connection unit” has entirely different scope than a “charge/discharge” unit. Throughout prosecution, the examiner rejected claims based in part on the phrase “charge/discharge unit” because it is unclear whether a charge/discharge unit can perform both charge and discharge functions, or whether the unit can be either a charge unit or a discharge unit. A connection unit, on the other hand, may not provide for any charging at all and still be within the limitations of claim 1.

2. For the first time in the prosecution of this case, applicant has made clear the meaning of “power system” (everything above element 2 in FIGS 1-4, see applicant’s response at page 7, line 3), and changed “power supply” in claim 19 to “power system.” Applicant notes that the power system can act as a supplier and receiver of electrical power (response, page 7). In light of this, the amendment to claim 19 replacing power source with power system presents a new issue because a power source is not a receiver of electrical power. More fundamentally, this reading of “power system” was never really considered by the examiner in the sense applicant proposes. Looking at the original claim 1, one can easily see why. In that claim, “power system” clearly means “power storage system.”

3. Applicant’s remarks with respect to Yang are convincing, because: (1) Yang does not reject electrical power from battery 103 to the power source, and (2) Yang does not select from among the loads based on a condition of the secondary battery. Therefore, to apply Yang against the claims as amended would require at least adding a reference, and possibly using new references entirely, and that would require further consideration or search.

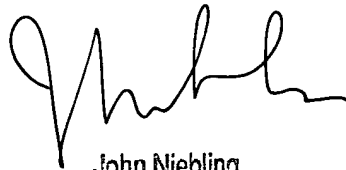
4. Finally, applicant's remarks with respect to Imaizumi are not convincing. Admittedly, Imaizumi selects from among different loads based on the condition of the battery during charging, but the claims do not exclude that possibility.

5. A telephone interview was conducted August 1, 1997 between William Beard and Brendan Mee. All the claims and all the art of record was discussed. No agreement was reached.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner between 8:00 a.m. and 5:00 p.m. Mon.-Fri. The direct dial telephone number is (703) 308-3331. In the event the examiner cannot be reached, the supervisor of art unit 1107, John Niebling may be reached at (703) 308-3325. All messages may be left with the group receptionist at (703) 308-0661. The group fax number is (703) 305-3599 or (703) 305-3600.



Brendan Mee
December 22, 1997



John Niebling
Supervisory Patent Examiner
Patent Examining Group 110